UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,817	12/29/2003	Naruhide Kitada	9319M-000621	1900

27572   7590   06/08/2009
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ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
06/08/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
Office Action Summary	10/747,817	KITADA ET AL.	
	Examiner	Art Unit	
	HILINA S. KASSA	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 March 2009</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>33 and 34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>33 and 34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 33-34 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et

al. (US Patent Number 6,348,971 B2) and Leiman et al. (US Patent Number 6, 469, 796

B1) and further in view of Morikawa et al. (US Patent Number 7,027,169 B1).

Regarding claim 33:

As shown in figure 1, Owa et al. disclose a distributed print management server

(**3, figure 1)** that is connected to a plurality of printers (**2a-2d, figure1**) through a

network (**4, figure 1**), divides print data into a plurality of print jobs and stores the print

jobs *in a print queue* (**column 8, lines 17-23; note that the generated print data**

which is also divided into print page and get stored in the management table),

wherein:

said distributed print management server:

identifies one of the plurality of print jobs as one print job to be printed (**column 8, lines 23-25; note that the printer selection means selects the appropriate printer based upon user information**);

broadcasts a print start notification to all printer (**column 8, lines 30-38; note that when a document print command is entered, the user information selection means selects the appropriate printer for the specified print data**);

receives print job acquisition requests from idle ones of the plurality of printers (**column 5, line 64-column 6, line 1; note that the output destination checks whether one or more printers satisfy the user print conditions**);

selects one printer from among the plurality of printers that have issued the print job acquisition requests, the one printer being most appropriate for the one print job based on printing capabilities (**column 8, lines 39-44; note that the appropriate printer gets selected amongst other printers based on the capabilities i.e. color or monochrome**) and status information of the plurality of printers (**column 8, lines 39-58; note that the printer gets selected based on the status or state**); and

assigns the one print job to the one printer by sending print data of the one print job to the one printer (**column 8, lines 46-48; note that based on the selection the print page is converted into print data so that its it printed at an appropriate**).

Owa et al. disclose most of the subject matter as described as above except for specifically teaching after the print job is successfully completed, the print job is removed from the print queue and notification of the print job completion is made,

wherein the notification of print job completion is made one by one for each of the print

jobs stored in the print queue, after it is determined that the print queue is not empty,

the distributed print management server repeats the identifying, broadcasting, receiving,

selecting, and assigning steps for another one of the plurality of print jobs; and after it is

determined that the print queue is empty, the distributed print management server ends.

However, Leiman et al. teaches in figures 14-18 and 23-28 after the print job is

successfully completed, the print job is removed from the print queue and notification of

the print job completion is made (**194, figure 23, column 8, lines 27-37; note that user**

has the option to remove/delete the completed jobs) wherein the notification of print

job completion is made one by one for each of the print jobs stored in the print queue

(**192, figure 23, column 8, lines 27-32; note that the report queue provides**

operation/notification of the completed jobs), after it is determined that the print

queue is not empty, the distributed print management server repeats the identifying,

broadcasting, receiving, selecting, and assigning steps for another one of the plurality of

print jobs (**204, figure 27, 156, 158, 206, 208, figure 28, column 7, lines 33-40; note -**

that the status table displays the status of a print job in the queue and in column

8, lines 58-67; note that the printer status is displayed and the available printer is

selected to process the print job according to user) and after it is determined that

the print queue is empty, the distributed print management server ends (**210, figure 29,**

column 9, lines 1-4; note that the status log displays the recorded and completed

events of the print queue. It is however inherent that the server does not have to

distribute print jobs when there is none in the queue).

Owa et al. and Leiman et al. are combinable because they are from the same field of endeavor i.e. distributing network printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to after the print job is successfully completed, the print job is removed from the print queue and notification of the print job completion is made, wherein the notification of print job completion is made one by one for each of the print jobs stored in the print queue, after it is determined that the print queue is not empty, the distributed print management server repeats the identifying, broadcasting, receiving, selecting, and assigning steps for another one of the plurality of print jobs; and after it is determined that the print queue is empty, the distributed print management server ends. The suggestion/motivation for doing so would have been in order to efficiently acquire control of printing on high-speed production printer through a display and to eliminate the use of host devices to selecting printers for each job rather than having a server managing the jobs (abstract, lines 4-11). Therefore, it would have been obvious to combine Owa et al. with Leiman et al. to obtain the invention as specified in claim 33.

Owa et al. and Leiman et al. disclose all of the subject matter as described as above except for specifically teaching sending print wait notification to other printers of the plurality of printers.

However, as shown in figure 6A, Morikawa et al. discloses sending print wait notification to other printers of the plurality of printers (**column 5, lines 52-58; note that as the optimum or managing printer is selected to process the print job, a**

message is sent to the other non-selected printers to inform that the job is being

processed at the selected managing printer).

Owa et al., Leiman et al. and Morikawa et al. are combinable because they are

from the same field of endeavor i.e. distributing network printing. At the time of the

invention, it would have been obvious to a person of ordinary skilled in the art to send

print wait notification to other printers of the plurality of printers. The

suggestion/motivation for doing so would have been to efficiently distribute print jobs.

Therefore, it would have been obvious to combine Owa et al. and Leiman et al. with

Morikawa et al. to obtain the invention as specified in claim 33.

4.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et

al. (US Patent Number 6,348,971 B2), Leiman et al. (US Patent Number 6, 469, 796

B1) and Morikawa et al. (US Patent Number 7,027,169 B1), and further in view of

Fertlitsch et al. (US Publication Number 2002/0089691 A1).

    Regarding claim 34:

Owa et al., Leiman et al. and Morikawa et al. disclose all of the subject matter as

described as above except for specifically teaching wherein the distributed print

management server selects the one printer from among the plurality of printers based

on which print can complete the print job in a shortest time from warm-up.

However, Fertlitsch et al. disclose wherein the distributed print management

server selects the one printer from among the plurality of printers based on which print

can complete the print job in a shortest time from warm-up (**paragraph [0123], lines 1-**

3; note that a preference is given to a printer by taking account the warm up

cycles).

Owa et al., Leiman et al., Morikawa et al. and Fertlitsch et al. are combinable

because they are from the same field of endeavor i.e. distributing network printing. At

the time of the invention, it would have been obvious to a person of ordinary skilled in

the art wherein the distributed print management server selects the one printer from

among the plurality of printers based on which print can complete the print job in a

shortest time from warm-up. The suggestion/motivation for doing so would have been to

conserve energy and time by using a printer which has been just used instead of using

another printer and waste energy and time to warm it up. Therefore, it would have been

obvious to combine Owa et al., Leiman et al., Morikawa et al. and Fertlitsch et al. to

obtain the invention as specified in claim 34.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communication from the

examiner should be directed to Hilina Kassa whose telephone number is (571) 270-

1676.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Moore could be reached at (571) 272- 7437. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about PAIR system, see http://pari-direct.uspto.gov. Should you have

questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hilina S Kassa/

Examiner, Art Unit 2625

June 5, 2009

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625